

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHALAMO KAIKOV,

Plaintiff,

19-cv-2521-JBW-RER

-against-

ARIHAY KAIKOV, et.al

Defendants,
-----X

DECLARATION OF MARIA
TEMKIN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTIVE
RELIEF

I, Maria Temkin, do state as follows:

1. I am a partner of the law firm Temkin & Associates, LLC, attorneys for Plaintiff Chalamo Kaikov ("Plaintiff" or "Chalamo"). I am fully familiar with the facts and circumstances surrounding this matter. I execute this Declaration in support of Plaintiff's Motion for an Order to Freeze the Assets of Defendants and Expedited Discovery Related to the Assets.

2. Attached as **Exhibit 1** hereto is a true copy of the Deed to the property at 567 Jerome Street, Brooklyn, New York 11207 (the "**567 Jerome Property**"), dated **November 14, 2019** and recorded in the Office of the City Register of the City of New York on November 27, 2019.

3. As stated in the First Amended Complaint, ¶¶60-61, the 567 Jerome Street Property was one of the Investment Properties subject to the joint venture agreement between Plaintiff and Defendant Arihay Kaikov ("**Arihay**"). Arihay never transferred the deed to this property to jointly owned 911 Realty Corporation ("**911 Realty**").

4. Pursuant to the November 14, 2019 Deed, the 567 Jerome Property was sold by 567 Jerome, Inc. to a third party for \$575,000. The Deed was signed by Arihay Kaikov as President of 567 Jerome, Inc.

5. According to New York State Department of State's Division of Corporation's website, 567 Jerome, Inc. was incorporated on December 5, 2018. Its registered agent is Defendant Shiryak Bowman Anderson Gill & Kadochnikov, LLP ("**SBAGK**"). A true and correct copy of the printout of the NYS Division of Corporation website is attached as **Exhibit 2** hereto.

6. Attached as **Exhibit 3** hereto is a true copy of the Deed to the 567 Jerome Property, dated **December 6, 2018** and recorded in the Office of the City Register of the City of New York on December 14, 2018.

7. Pursuant to the December 6, 2018 Deed, the 567 Jerome Property was sold by Defendant Royal A&K Realty Group, Inc. ("**Royal A&K**") to 567 Jerome, Inc. Arihay Kaikov signed the underlying paperwork as President of both 567 Jerome, Inc. and Royal A&K.

8. It appears that, despite having knowledge the 567 Jerome Property is subject to the instant lawsuit, Arihay knowingly sold the property approximately 4 weeks ago with intent to divert money from the sale. Needless to say, Plaintiff received no notice from either Defendant and only learned about the sale from searching the official database of the Office of the City Register.

9. Attached as **Exhibit 4** hereto is a true copy of the Complaint filed by 911 Realty in Supreme Court of the State of New York, Kings County, entitled *911 Realty Corp. v. Arihay Kaikov et. al.*, Index No. 510586/2019 seeking to declare 911 Realty the lawful owner of property at 844 Herkimer Street, Brooklyn, New York 11233 (the "**Herkimer Street Property**"), which was one of the Investment Properties subject to the joint venture agreement between Plaintiff and Arihay. FAC at ¶ 60-61. Arihay never transferred the deed to this property to jointly owned 911 Realty.

10. Attached as **Exhibit 5** hereto is a true copy of the Affirmation of Defendant Dustin Bowman, Esq., dated October 29, 2019, filed in the *Herkimer Street Property* Action seeking to dismiss the complaint because this property is subject to the dispute before this Court.

11. Attached as **Exhibit 6** hereto is a true copy of the Affirmation of Arihay Kaikov, dated October 29, 2019, filed in the *Herkimer Street Property* Action stating that in May 2019 his actual place of residence was Sunny Isles Beach, Florida. *Id.* at 7.

12. Attached as **Exhibit 7** hereto is a true copy of the Complaint filed by 911 Realty in Supreme Court of the State of New York, Kings County, entitled *911 Realty Corp. v. Arihay Kaikov et. al.*, Index No. 509105/2019 seeking to declare 911 Realty the lawful owner of property at 317 East 31st Street, Brooklyn, New York 11233 (the “**31st Street Property**”), which was one of the Investment Properties subject to the joint venture agreement between Plaintiff and Arihay. FAC at ¶ 60-61. Arihay never transferred the deed to this property to jointly owned 911 Realty.

13. Attached as **Exhibit 8** hereto is a true copy of the Affirmation of Defendant Dustin Bowman, Esq., dated October 29, 2019, filed in the *31st Street Property* Action seeking to dismiss the complaint because this property is subject to the dispute before this Court.

14. Attached as **Exhibit 9** hereto is a true copy of the Order, dated October 3, 2019, dismissing the *31st Street Property* Action because this property is subject to the dispute before this Court and because Plaintiff failed to add an additional party, Paul Fine.

15. Attached as **Exhibit 10** hereto is a true copy of the Complaint filed by a third party Paul Fine - previous owner of the 31st Street Property - in the Supreme Court of the State of New York, Kings County, entitled *Paul Fine. v. Royal A&K Realty et. al.*, Index No. 0028/2019

alleging that Royal A&K obtained the deed to the 31st Street Property by fraudulent means. The Kaikov Defendants never disclosed this information to Plaintiff.

16. Attached as **Exhibit 11** hereto is a true copy of the Complaint filed by 905 Mother Gaston, LLC in Supreme Court of the State of New York, Kings County, entitled *905 Mother Gaston LLC v. Arihay Kaikov, et al.*, Index No. 002163/2018, seeking to declare 905 Mother Gaston, LLC the lawful owner of property at 905 Mother Gaston Boulevard, Brooklyn, NY (the “**Mother Gaston Property**”), which was one of the Investment Properties subject to the joint venture agreement between Plaintiff and Arihay. FAC at ¶ 60-61.

17. Attached as **Exhibit 12** hereto is a true copy of the Proposed Amended Complaint filed in the *Mother Gaston Property* Matter. Although Arihay initially transferred the deed to this property to jointly owned 911 Realty, in July 2018 he fraudulently transferred the deed to the Mother Gaston Property from 911 Realty, without authorization or authority to do so, to another entity Mother Gaston 905 Corp. opened and owned by him. Ex. 12 at ¶16.

18. Attached as **Exhibit 13** hereto is a true copy of the Affirmation of Mathew Routh, Esq., associate of Defendant Anderson Bowman & Zalewsky, PLLC dated June 24, 2019, filed in the *Mother Gaston Property* Action seeking to dismiss the complaint because, *inter alia*, this property is subject to the dispute before this Court.

19. Attached as **Exhibit 14** hereto is a summary of the current status of the Investment Properties, prepared by me, based on the allegations in the FAC, Plaintiff Chalamo Kaikov’s Affidavit, submitted in support of this Motion, and pleadings in the above state actions. The information in the summary table is accurate to the best of my knowledge.

20. The summary lists, *inter alia*, the remaining investment properties which the Kaikov Defendants had not yet sold and as to which the preliminary injunction is sought. In the

event the injunction is granted and the Kaikov Defendants are prevented from selling, transferring, conveying, mortgaging, lienning, encumbering, taking any action to impair the value of, or otherwise disposing of the properties pending a determination of this action, the *Herkimer Property* and *Mother Gaston Property* state court actions can be stayed and/or dismissed.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to penalty of perjury under 28 U.S.C. § 1746.

Dated: December 26, 2019

TEMKIN & ASSOCIATES, LLC



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